

Amendment Under 37 C.F.R. § 1.116
Serial No. 10/031,872
Sughrue Ref: Q68112

REMARKS

Claims 19-33 are all the claims pending in the application. Claim 19 is the only independent claim. Applicant notes that dependent claims 20 and 33 have been withdrawn from consideration as being directed to a non-elected species. The rest of the claims have been examined.

Drawings

The Examiner has objected to new Figures 28 and 29,. The Examiner alleges that these drawings include new matter. As such, Applicant has canceled Figs. 28 and 29 and has removed any reference to these drawings from the specification.

In addition, the Examiner has objected to the drawings due to several minor informalities. In response, Applicant has amended the Figures by modifying or deleting reference numbers.

For example, reference numbers 48 have been deleted from the Figures.

Applicant has added a description to the specification at paragraph 62 discussing the entry M and pump P shown in Fig. 21.

With respect to Figs. 17-20, Applicant has changed the reference numbers 26A, 26B to 26A', 26B', respectively, and further has changed the reference numbers 23A-D to 26.

With respect to element 67, reference number 67 has been added to Fig. 26. This amendment is consistent with the discussion at paragraph 60 of the specification that the element 67 can be one or several of element 68.

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Finally, Applicant respectfully notes that there is no element 36 in Fig. 14, that reference numbers 43' and 43'' are used for the embodiments shown in Figs. 22-24 and Fig. 25, respectively, and that reference numeral 24 D is already used in Fig. 20.

As such, Applicant respectfully requests the Examiner to withdraw the drawing objection.

Specification

In addition, Applicant has made several minor amendments to the drawings and has amended the specification so that the language of the specification is consistent with that of the drawings. The amendments to the specification are shown hereinabove. Applicant respectfully requests the Examiner to withdraw the objection to the specification.

Claims Objections

The Examiner has objected to the claims, alleging minor informalities and requesting that stylistic amendments be made to the claims. In response, Applicant has amended the claims as suggested by the Examiner. As such, Applicant respectfully requests the Examiner to withdraw the objection to the claims.

Claims Rejections Under 35 U.S.C. § 112

Claims 21-32 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

In addition, Claims 19 and 21-32 are rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite.

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Claims 19 and 21-24

With respect to claims 19-27, 30, and 32, the Examiner has suggested several minor changes to the claims that would overcome the rejections. Therefore, Applicant has amended the claims in the manner suggested by the Examiner.

Claims 28 and 31

With respect to claims 28 and 31, Applicant has amended these claims so that they recite --said one of said conduits is connected to one of the two central actuating elements and the other of said conduits is connected to the other of the two central actuating elements-- in order to clarify the scope of these claims.

Claim 29

With respect to claim 29, Applicant has amended this claim to recite that the recited "means" is for introducing pressurized gaseous or hydraulic fluid to the central cylinder, and for draining the central cylinder. Applicant respectfully submits that this amendment is not new matter and is supported at least by the non-limiting embodiments of this claim, shown in Figs. 21, 23, and 24.

In view of these amendments, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 112 rejections of the claims.

Claim Rejections Under 35 U.S.C. § 103

Claims 19, 21, 22, 25, 26, and 29 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over newly applied, but previously cited Heyring et al. (WO 95/23076) in view of previously applied Sakai (US 5,486,018). Claims 23, 24, 27, 28, and 30-32 are rejected under 35

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U.S.C. §103(a) as being unpatentable over Heyring in view of Sakai, and further in view of Weiss (US 6,267,387).

With respect to independent claim 19, Applicant traverses this rejection at least because the combination of Heyring and Sakai do not teach or suggest all of the recitations of claim 19. For example, the combination of Heyring and Sakai do not teach or suggest the claimed device having a central resilient element and two central actuating elements, in which an other wheel actuating element is capable of providing a vertical force, which is analogous to the corresponding vertical force to which the one wheel is subjected, to the diagonally opposed wheel based on a transmitting force.

According to the rejection, it is the Examiner's position that primary reference Heyring discloses the claimed invention except that Heyring does not disclose diagonally opposed hydraulic rams that are connected to the same central actuating element. Therefore, the Examiner looks to the suspension system of Sakai in an attempt to make up for the deficiencies in Heyring. It is the Examiner's position that it would have been obvious to "connect diagonally opposed rams to the same central actuating element because this arrangement is effective for restraining pitching and rolling and also restrains [the] vehicle body from pitching and rolling."

However, Applicant notes with respect to Heyring's suspension system shown in Fig. 8, that the vertical force provided to the ram 4, is not analogous to the corresponding vertical force of the adjacent ram 1. For example, Fig. 8 of Heyring shows adjacent rams 1, 4 connected to the chamber 13a (alleged by the Examiner to be a central actuating element) via conduits 9, 12.

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When the ram 1 is subjected to a force, fluid enters chamber 14 from conduit 9, which causes the rod portion 18a and piston 18d to move towards the resilient member 20. This causes the chamber 15 of chamber 13a to become smaller, thus expelling fluid through conduit 12 toward the ram 4. As such, the ram 4 is subjected to a force that is opposite to the force to which the ram 1 is subjected. *See, e.g., Heyring at Figs. 4 & 5.*

In view of this disclosure, Applicant sees no suggestion or motivation to modify Heyring's suspension system so that the ram 4 is provided with a vertical force, which is analogous to the corresponding vertical force of ram 1. Instead, in accordance with Heyring's disclosure, the rod portion 18a, piston 18d, and chamber 13a provide conduits 9 and 12 with opposite fluid flows, and therefore opposite forces.

Although secondary reference Sakai appears to disclose that an analogous force is provided to diagonal conduits (Sakai at Fig. 10), Sakai does not teach or suggest any modifications to Heyring's structure that would allow the ram 1 and ram 4 to be subjected to analogous forces. Specifically, Applicant sees no motivation or suggestion to modify the chambers 13a, 13b of Heyring so that the conduits 9 and 12 would be connected to diagonally opposite rams. In fact, if Heyring were modified in this way, then the vertical forces provided to the diagonally opposite rams would be opposite, and not analogous forces.

Therefore, Applicant respectfully requests the Examiner to withdraw the §103 rejection of independent claim 19. In addition, Applicant requests the Examiner to withdraw the rejection of dependent claims 21, 22, 25, 26, and 29 at least because of their dependency from claim 19.

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In addition, Applicant requests the Examiner to withdraw the rejection of dependent claims 23, 24, 27, 28, and 30-32 at least because of their dependency from claim 19 and because Weiss (which the Examiner cites as showing inner pistons larger than outer pistons) does not cure the deficiencies in the combination of Heyring and Sakai discussed above.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

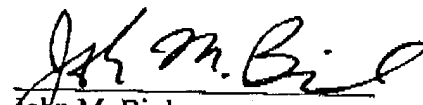
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Respectfully submitted,


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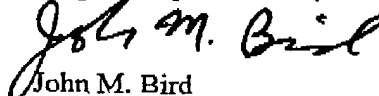
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CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Peter C. English at the Patent and Trademark Office on June 28, 2004 at (703) 872-9306.

Respectfully submitted,


John M. Bird